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INDIGENOUS ISSUES

Note verbale dated 12 April 2002 from the Permanent Mission of Botswana to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

The Permanent Mission of the Republic of Botswana to the United Nations and other International Organizations presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to request it to circulate as an official document of the ongoing fifty-eighth session of the Commission on Human Rights, a response* to the report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, as contained in document E/CN.4/2002/97/Add.1 of 6 March 2002.

* Reproduced as received, in the language of submission only.

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Annex

RESPONSE BY THE GOVERNMENT OF BOTSWANA TO THE REPORT BY THE SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS OF INDIGENOUS PEOPLE – DOCUMENT E/C N.4/2002/97/Add.1

1. The Government of Botswana has been extremely dismayed and piqued by the unsubstantiated accusation in paragraph 13 of the Commission Document E/C NO.4/2002/97/Add.1 of the 6th March, 2002 that she is orchestrating a scheme to dispossess Bushmen (who we call Basarwa in Botswana) of their traditional lands.

2. Paragraph 2 of this document claims that the alleged information is based on reputable and credible sources.

3. The source of the information is said to be a statement by Survival International to (or at) the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance which was held in Durban, South Africa, from the 31st August to the 7th September 2001.

4. Surprisingly though, both the Secretariat of the World Conference against Racism and the UN NGO Secretariat have denied ever receiving the statement Survival International purports to have made or submitted at the Durban Conference.

5. The Special Rapporteur has also explicitly acknowledged the fact that he has not been able to independently verify the statements made or presented to him. This must be true because the Botswana Government has not received or heard anything from the Special Rapporteur regarding the allegations.

6. It is sad that Survival International has meanwhile been splashing information that the Special Rapporteur, Mr. Stravenhagen "visited Botswana in February, 2002 and went to a camp where the Gana and Gwi Bushmen from the Central Kalahari Game Reserve had just been relocated against their will". This is posturing by Survival International as there are no camps where Basarwa are being kept.

7. The Botswana Government does not and has never implemented any assimilationist policies and discriminatory practices against the Basarwa or indeed against any other ethnic group in the country.

8. Contrary to what is contained in the Report, Basarwa are not dispossessed of their traditional land to make way for game reserves and national parks. Basarwa have as much a right to the use and ownership of land as any other citizen of Botswana.

9. It is important to realize that Basarwa are found in different parts of Botswana. The group Survival International purports to be representing is only a small proportion of the Basarwa community which until recently resided in the Central Kalahari Game Reserve. The Botswana Government recognised that provision of services that other Batswana enjoyed could not be effectively extended to this group within the Game Reserve and that therefore there was a danger that the group would be marginalized. This is the reason why the Government persuaded them to relocate them to settlements where they would enjoy the services and other amenities that the rest of the population is entitled to, and at the same time, be in a position to continue to enjoy the benefits the Game Reserve offered. Government has indeed provided appropriate services in the settlements to which Basarwa are being relocated. This has enabled this community to acquire property and accumulate wealth like their other compatriots.

10. It is important to underscore the point that Basarwa were not forced but persuaded to relocate. When it became obvious that most of them were responding to Government's appeal and given the fact that it was difficult for Government to maintain the limited facilities in the Game Reserve, Government found it prudent to terminate such services.

11. We challenge anyone who may have doubts about the sincerity of the Botswana Government to come and investigate the situation for himself or herself.

12. This is not to say that there have not been some individuals, who claim to represent Basarwa who have differed with Government's handling of this issue. There are indeed, and some

of them have even taken Government to court. This is a small group of individuals and Government does all it can to accommodate their interests. However, Government cannot allow intransigence on the part of such individuals to stand in the way of providing services to the Basarwa concerned. The Government of Botswana is politically and morally obliged to improve the lives and uphold the rights of all its people, Basarwa no less.

13. Botswana prides herself in having a Constitution that guarantees the fundamental rights and freedoms as set out in Article 5 of the Convention on Human Rights. Further more, Mr. Chairman, not only is Botswana a State Party to the Convention on the Elimination of All Forms of Racial Discrimination, it also subscribes to the Universal Declaration of Human Rights as well as the African Charter on Human Rights and People's Rights.

14. The Rapporteur's Report further makes reference to the endangering of the Basarwa as a distinct people. My Government wishes to dispel the myth that Basarwa enjoy living under the harsh conditions that remaining in the Central Kalahari Game Reserve exposes them to. None of us in these hallowed halls can honestly and consciously say that it is enjoyable and decent to go for days with no food or even water. There is no fun in having to endure exposure to rain and wind. Allowing any people to remain under such conditions will be the height of denial of human rights and my Government has a moral conscience not to go that path.

15. Our last word to the Special Rapporteur is that we trust that, he will consider, with a fair and open mind, the information that my Government has provided. We would therefore encourage the Rapporteur in future to endeavour to verify information he obtains from any source about our country before he publishes it.